



House of Representatives

General Assembly

File No. 16

February Session, 2000

House Bill No. 5146

House of Representatives, March 7, 2000

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

An Act Concerning The Statute Of Limitations For Prosecution Of The Crime Of Escape.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-193 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) There shall be no limitation of time within which a person may
4 be prosecuted for a capital felony, a class A felony or a violation of
5 section 53a-54d or 53a-169.

6 (b) No person may be prosecuted for any offense, except a capital
7 felony, a class A felony or a violation of section 53a-54d or 53a-169, for
8 which the punishment is or may be imprisonment in excess of one
9 year, except within five years next after the offense has been
10 committed. No person may be prosecuted for any other offense, except
11 a capital felony, a class A felony or a violation of section 53a-54d or
12 53a-169, except within one year next after the offense has been

13 committed.

14 (c) If the person against whom an indictment, information or
15 complaint for any of said offenses is brought has fled from and resided
16 out of this state during the period so limited, it may be brought against
17 [him] such person at any time within such period, during which [he]
18 such person resides in this state, after the commission of the offense.

19 (d) When any suit, indictment, information or complaint for any
20 crime may be brought within any other time than is limited by this
21 section, it shall be brought within such time.

22 Sec. 2. This act shall take effect from its passage and shall be
23 applicable to any offense committed prior to, on or after said date.

JUD Committee Vote: Yea 37 Nay 0 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Cost

Affected Agencies: Departments Of Correction and Mental Health and Addiction Services

Municipal Impact: None

Explanation

State Impact:

Although it is not anticipated to be significant, to the extent that individuals who abscond for a period greater than five years are prosecuted and incarcerated, potential costs would result. DOC spends \$25,000 per year per inmate. Currently, the inmate population is over 17,500 and it is expected to rise to over 18,500 inmates before the end of FY 2001.

Since 1996, the Department of Correction (DOC) reports only one escape from a correctional facility. Currently, there are approximately 105 escapees from halfway houses or the department's transitional supervision program. The Department of Mental Health and Addiction Services (DMHAS) currently reports no escapes for individuals under the agency's authority who are classified as "not guilty by reason of mental disease or defect."

OLR Bill Analysis

HB 5146

AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR PROSECUTION OF THE CRIME OF ESCAPE.**SUMMARY:**

This bill eliminates the five-year statute of limitations for the class C felony of first-degree escape, thus allowing someone to be prosecuted for this offense anytime. The bill applies to all first-degree escapes, including those that took place prior to the bill's passage.

The other crimes that have no statute of limitations are (1) capitol felony; (2) arson murder; and (3) class A felonies, which are murder, felony murder, first degree kidnapping with and without a firearm, first degree arson, and employing a minor in an obscene performance.

EFFECTIVE DATE: Upon Passage

BACKGROUND***First Degree Escape***

First-degree escape consists of:

1. escaping from a correctional institution;
2. escaping from a group home, halfway house, mental health facility, or community placement while under the custody of the correction commissioner;
3. escaping from a correctional work detail or school;
4. failing to return from a correctional furlough, work release, or educational release;
5. escaping from a mental hospital while confined as not guilty by reason of mental disease or defect; and
6. leaving the state while under the authority of the Psychiatric Security Review Board without its authorization.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 37 Nay 0